

REMARKS

The present Amendment amends claim 2 and leaves claims 3-12 unchanged. Therefore, the present application has pending claims 2-12.

The Examiner is informed that the February 12, 2004 canceled claim 1 and added new claims 2-12. Thus, the present application has pending claims 2-12 not 2-13 as indicated in the Office Action.

Claims 2 and 5-12 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1 of prior patent No. 6,697,418 B1. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 2 and 5-12 are taught or suggested by claim 1 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Applicants acknowledge the Examiner's indication in paragraph 3 of the Office Action that claims 3 and 4 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

An amendment was made to claim 2 from which claims 3 and 4 depend to eliminate redundant matter. Particularly, the language "shown in Tables 1 to 9 of the Specification" is redundant relative to the phrase

"represented by the following equation". Therefore, in order to clearly describe the invention the phrase "shown in Tables 1 to 9 of the Specification" was deleted. It should be noted however, that deleting this phrase does not change the scope of the claims since the matter as set forth in Tables 1 thru 9 are represented by the equation as recited in the claim.

It is noted that only rejection with respect to claims 2 and 5-12 is the obviousness type double patenting rejection and that such rejection has been overcome by the filing of the Terminal Disclaimer. Therefore, claims 2 and 5-12 are allowable over the prior art of record.

With respect to claims 3 and 4 these claims are further allowable being that they depend from an allowable base claim 2.

In view of the foregoing amendments and remarks, applicants submit that claims 2-12 are in condition for allowance. Accordingly, early allowance of claims 2-12 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.35527CX2).

Respectfully submitted,

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